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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/523,132	03/10/2000	Yasunao Okazaki	10873.506US01	6038

23552 7590 02/12/2003

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EXAMINER

LEE, BENNY T

ART UNIT	PAPER NUMBER
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2817

DATE MAILED: 02/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



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09/523,132

SERIAL NUMBER	FILING DATE

NAMED APPLICANT	ATTORNEY	SET NO.

EXAMINER	
ART UNIT	PAPER NUMBER
	12

DATE MAILED:

This is a communication from the examiner in charge of your application.

COMMISSIONER OF PATENTS AND TRADEMARKS

☐ This application has been examined ☒ Responsive to communication filed on 14 Nov 2002 ☐ This action is made final.

A shortened statutory period for response to this action is set to expire Three (3) months from the date of this letter. Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS APPLICATION

1. ☒ Notice of References Cited by Examiner, PTO-892.
2. ☐ Notice of Art Cited by Applicant, PTO-1449
3. ☐ Information on How to Effect Drawing Changes, PTO-1474

- ☐ Notice re Patent Drawing, PTO-948.
☐ Notice of Informal Patent Application, Form PTO-101
☐

Part II SUMMARY OF ACTION

1. ☒ Claims 2-17

Of the above, claims:

_____ are pending in the application.

_____ are withdrawn from consideration.

_____ have been cancelled.

_____ are allowed.

_____ are rejected.

_____ are objected to.

_____ are subject to restriction or election requirement.

7. ☐ This application has been filed with informal drawings when the subject matter is indicated. ☐ Retention for examination purposes until such time as allowable subject matter is indicated.

8. ☐ Allowable subject matter having been indicated, formal drawings are required in response to this Office action.

9. ☐ The corrected or substitute drawings have been received. These drawings are: ☐ acceptable ☐ not acceptable (see explanation).

10. ☐ The ☐ proposed drawing correction and/or the ☐ proposed formal or substitute sheet(s) of drawings, filed on _____, has (have) been ☐ approved by the examiner. ☐ disapproved by the examiner (see explanation).

11. ☐ The proposed drawing correction, filed _____, has been ☐ approved. ☐ disapproved (see explanation). However, the Patent and Trademark Office no longer makes drawing corrections. It is now applicant's responsibility to ensure that the drawings are corrected. Corrections MUST be effected in accordance with the instructions set forth on the attached letter "INFORMATION ON HOW TO EFFECT DRAWING CHANGES", PTO-1474.

12. ☐ Acknowledgment is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received.

☐ been filed in parent application, serial no. _____, filed on _____.

13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 O.D. 31; 453 O.G. 213.

14. ☐ Other

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SN 523132

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DETAILED ACTION

1. Claims 12-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 12-14, note that it is unclear which one of the (plural) "covers" is intended by the recited "said cover".

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 2-4, 6, 7; 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuji in view of Toyoshima (of record).

Tsuji discloses a high frequency circuit element having a metal box (1, 2) containing a high frequency circuit (3a, 3b) therein disposed on a substrate (4). As is evident from fig. 4, input/output terminals (6a, 6b) are disposed in the metal box and are connected to input/output lines (5a, 5b) which are associated with the high frequency circuit (3a, 3b). A cover member (8, 9) is disposed over the high frequency circuit (3a, 3b) as well as the input/output lines (5a, 5b) such as to increase the cutoff frequency. Furthermore, note that because of the nature of the "cover", such a structure would also have been characterized as being a "plate". Note that an increase in cutoff frequency inherently results in cutting off, and thus suppressing, those electromagnetic modes which are outside the range of the cutoff frequency. Furthermore, note that the cover members (8, 9) divide the metal box supporting the high frequency circuit by one-half, thereby

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providing the increased cutoff frequency and corresponding mode suppression. Tsuji differs from the claimed invention in that a lid for the metal box is not explicitly disclosed.

Toyoshima discloses a substrate (3) having a high frequency circuit (4) disposed thereon with input/output terminals (5, 6) connected to the high frequency circuit. The high frequency circuit and substrate are disposed within a metal package or housing (1) having a "lid" (2). Moreover, a metallic coating or conductor (10), a dielectric coating (9) and a resistive film (8) constitute a structure corresponding to applicants' claimed "cover" structure (i.e. since such a structure "covers" the input and output lines as well as the high frequency circuit) Such "cover" being within the interior of the housing, and effectively eliminates unwanted higher order waveguide modes within the metal box.

Accordingly, it would have been obvious in view of the references, taken as a whole, to have added a "lid" to the metal box of Tsuji. Such a modification would have been considered obvious in view of the same field of endeavor of the references (i.e. both pertain to metal boxes with high frequency circuits therein with means for suppressing unwanted modes), thereby suggesting the obviousness of such a modification.

Claims 8-10; 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over the preceding rejection as applied to claims 2 & 11, respectively above in view of Buck et al (of record) for reasons of record.

Applicant's arguments with respect to claims 11-17 have been considered but are moot in view of the new ground(s) of rejection.

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Claim 14 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Claim 5 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benny Lee whose telephone number is (703) 308 4902.

A handwritten signature in black ink, appearing to read "Benny Lee". The signature is fluid and cursive, with the first name "Benny" and the last name "Lee" clearly distinguishable.

BENNY T. LEE
PRIMARY EXAMINER
ART UNIT 2817

B. Lee

February 6, 2003